

# COMMITTEE REPORT

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## MADAM PRESIDENT:

The Senate Committee on Judiciary, to which was referred House Bill No. 1491, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1           Page 1, between lines 14 and 15, begin a new paragraph and insert:  
2           "SECTION 2. IC 33-25-1-1 IS AMENDED TO READ AS  
3           FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. The court of  
4           appeals consists of ~~fifteen (15)~~ **eighteen (18)** judges, who serve for the  
5           hearing and decision of causes in ~~five (5)~~ **six (6)** geographic districts  
6           described in section 2 of this chapter under Article 7, Section 5 of the  
7           Constitution of the State of Indiana.  
8           SECTION 3. IC 33-25-1-2 IS AMENDED TO READ AS  
9           FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. Indiana is  
10          divided into ~~five (5)~~ **six (6)** geographic districts, which shall be  
11          designated as the "court of appeals - First District; Second District;  
12          Third District; Fourth District; ~~and Fifth District;~~ **and Sixth District"**  
13          as follows:  
14               (1) First District: Bartholomew, Boone, Brown, Clark, Clay,  
15               Crawford, Daviess, Dearborn, Decatur, Dubois, Fayette, Floyd,  
16               Fountain, Franklin, Gibson, Greene, Hancock, Harrison,  
17               Hendricks, Henry, Jackson, Jefferson, Jennings, Johnson, Knox,  
18               Lawrence, Martin, Monroe, Montgomery, Morgan, Ohio, Orange,  
19               Owen, Parke, Perry, Pike, Posey, Putnam, Randolph, Ripley,  
20               Rush, Scott, Shelby, Spencer, Sullivan, Switzerland, Union,

Vanderburgh, Vermillion, Vigo, Warrick, Washington, and Wayne.

(2) Second District: Adams, Blackford, Carroll, Cass, Clinton, Delaware, Grant, Hamilton, Howard, Huntington, Jay, Madison, Marion, Miami, Tippecanoe, Tipton, Wabash, Wells, and White.

(3) Third District: Allen, Benton, DeKalb, Elkhart, Fulton, Jasper, Kosciusko, LaGrange, Lake, LaPorte, Marshall, Newton, Noble, Porter, Pulaski, St. Joseph, Starke, Steuben, Warren, and Whitley.

(4) The entire state constitutes the Fourth District.

(5) The entire state constitutes the Fifth District.

**(6) The entire state constitutes the Sixth District.**

SECTION 4. IC 33-25-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. (a) Judges of the First, Second, and Third Districts of the court of appeals must have resided in their respective districts before appointment to the court. However, judges of the court of appeals appointed before July 1, 1993, must reside in the district from which they are appointed.

(b) The following requirements apply to judges of the Fourth, ~~and~~ Fifth, **and Sixth** Districts of the court of appeals:

(1) One (1) judge must have resided in the First District before appointment to the court.

(2) One (1) judge must have resided in the Second District before appointment to the court.

(3) One (1) judge must have resided in the Third District before appointment to the court.

(c) When a vacancy is created in the court of appeals, the individual who is appointed by the governor to fill the vacancy must be a resident of the district in which the vacancy occurred."

Page 5, after line 9, begin a new paragraph and insert:

"SECTION 13. [JANUARY 1, 2010] **(a) The judicial nominating commission shall, in accordance with IC 33-27-3, nominate three (3) candidates for each of the three (3) judgeships for the court of appeals - Sixth District created by IC 33-25-1, as amended by this act. The commission shall submit the nominations to the governor before November 1, 2010.**

**(b) The governor shall appoint the three (3) initial judges of the court of appeals - Sixth District from the list of nominees submitted by the judicial nominating commission before January 1, 2011. The effective date of the appointments is January 1, 2011.**

**(c) The Indiana department of administration, with the approval of the chief judge of the court of appeals, shall arrange for facilities for the court of appeals - Sixth District in Indianapolis**

- 1       **before January 1, 2011.**
- 2       **(d) This SECTION expires January 2, 2011.**
- 3       **SECTION 14. An emergency is declared for this act."**  
      (Reference is to HB 1491 as reprinted February 11, 2009.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 6, Nays 5.

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**Senator Bray, Chairperson**